

**Virginia State Board of Elections
Task force on Residency**

Recommendations of the ACLU of Virginia

I. Definition of Residence

1. "Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with a present intention to remain. A place of abode is the physical place where a person dwells. Va. Code § 24.2-101
2. In determining a registrant's residence, the registrar shall adhere to the following guidelines:
 - (a) A person is presumed to be a resident with intent to remain of the Commonwealth and of the precinct if the person makes an affirmation upon a voter registration application form, or a clarification of residence address as described below, that they reside at a particular address in the precinct.
 - (b) A person who resides within a locality but has no fixed address must be permitted to register to vote. Such a person's residence address is the physical location at which that person sleeps.
 - (c) A registrar shall not subject registrants to further questioning based on their status as students, or hold them to a higher standard of proof, or in any way treat students differently based on their status as students in determining their residency for voting purposes.
 - (d) Once a registrant has affirmed their voting residence under 2(a), a registrar may not question a registrant's intent to remain unless there is clear and convincing evidence that the registrant's affirmation was false.
 - (e) That an individual has moved between addresses within a single geographic location does not constitute evidence that an affirmation with respect to a particular address was false.

II. Students

1. A student at an institution of higher education may claim domicile and register to vote either at her school-year address or in a place where she is otherwise domiciled, but a student shall not have more than one residence at any one time for the purposes of voting. A registrar shall not attempt to influence a student in this choice.

- (a) Registrars are prohibited from commenting on, or providing advice regarding, any consequences of registering to vote that are not directly related to the act of voting. Examples include, but are not limited to, information regarding a person's tax status, financial aid, car insurance, or car registration.
 - (b) If a registrar is asked for such information, the registrar shall refer the person to the appropriate source or authority, such as their financial aid advisor.
- 2. A dormitory is a residential address. No person shall be denied registration or be required to give additional information solely because she gives the address of a dormitory or other student housing as her residential address.

III. When additional information may be requested

- 1. The registrar may ask a person to provide additional information in support of her registration application if the registrar receives clear and convincing evidence sufficient to overcome the presumption of residency.
 - (a) The following do not constitute evidence that an affirmation of residency was false.
 - i. The registrant provided an email address associated with an institution of higher learning.
 - ii. The registrant provided a telephone number with an out of region area code.
 - iii. The registrant appears to reside in temporary housing, such as a university residence.
 - iv. The registrant is or appears to be a student.
 - (b) If, after receiving additional information from the registrant, the registrar is satisfied that the registrant is qualified to vote, the registrant shall be registered as of the date that her application was initially received by the registrar or state-designated voter registration agency, or, if mailed, on the date of postmark.
- 2. The registrar may request additional address information from a registrant only in the following circumstances, except as provided in subparagraph (d):
 - (a) The registrant fails to provide a physical residence address, such that the registrar is unable to place the registrant in a voting precinct. In such cases, the registrar shall send the registrant written notice, stating in clear and simple terms that in order for their registration application to be processed fully, they must provide the address of the physical place where they live, so that the registrar can determine her precinct. The mailing shall include a postage-paid return card or form for the registrant to provide her address. This notice shall be provided promptly, but in

any case no later than thirty days after the registrant submits the form or ten days before Election Day, whichever is earlier.

- (b) The only address provided by the registrant is a location that does not receive mail, such as a dormitory address. In such cases, the registrar shall make a reasonable effort to contact the registrant and request a mailing address. Reasonable efforts shall include calling the registrant if she provided a phone number, emailing the registrant if she provided an email address on the registration form, contacting a university if the registrant is a student, etc.
- (c) The only address provided by the registrant does not physically exist or the VERIS system reports this address as a non-residential address. If the address does not exist, the registrar shall make a reasonable effort to contact the registrant and request more precise information, pursuant to subsection (b). If the address is rejected by VERIS but is a valid mailing address, the registrar shall follow the clarification procedure detailed in subsection (a) of this section.
- (d) The registrar may not ask for additional information when the application contains sufficient information to assign the registrant to a voting precinct and send the registrant election mailings.
- (e) If a registrant responds to a mailing or other communication from the registrar under this section with sufficient information to be assigned to a voting precinct, the registrant shall be registered as of the date that her application was received by the registrar or state-designated voter registration agency, or, if mailed, by the date postmarked.